

SEALED**UNITED STATES DISTRICT COURT****DISTRICT OF ARIZONA**

United States of America,

v.

Tre C. James.

Case No.: 22-4269 MJ

ELECTRONIC CRIMINAL COMPLAINT

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

COUNT 1

On or between June 30, 2019 and July 5, 2019, in the District of Arizona, within the confines of the Navajo Nation Indian Reservation, Indian Country, Defendant TRE C. JAMES, an Indian, with premeditation and with malice aforethought, did unlawfully kill J.Y.

In violation of Title 18, United States Code, Sections 1153 and 1111.

COUNT 2

On or between June 30, 2019 and July 5, 2019, in the District of Arizona, Defendant TRE C. JAMES, did knowingly use, carry, brandish, and discharge a firearm during and relation to a crime of violence, and did knowingly possess, brandish, and discharge a firearm in furtherance of a crime of violence, that is CIR-First Degree Murder as alleged in Count 1, a felony crime prosecutable in a Court of the United States.

In violation of Title 18, United States Code, Section 924(c)(1)(A)(iii) and (j).

I further state that I am a Special Agent of the Federal Bureau of Investigation, and that this complaint is based on the attached affidavit, incorporated herein.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

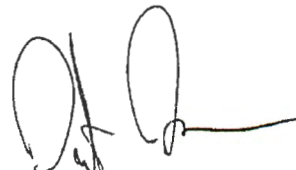
DATED: July 28, 2022

REVIEWED BY: Sharon K. Sexton, AUSA

Dustin Drace, Special Agent
Name of Complainant

Sworn to telephonically,

HONORABLE CAMILLE D. BIBLES
Name & Title of Judicial Officer


Signature of Complainant

Flagstaff, Arizona
City and State

Camille D. Bibles
Signature of Judicial Officer

Digitally signed by Camille D.

Bibles

Date: 2022.07.28 20:19:10 -07'00'

CC: USM & PTS (by CSB)

ELECTRONICALLY SUBMITTED AFFIDAVIT OF PROBABLE CAUSE

I, Special Agent Dustin Blazer Drace, being duly sworn, state the following:

1. I am a Special Agent of the Federal Bureau of Investigation (hereinafter FBI) and have been since January 2018. I am currently assigned to the Gallup, New Mexico, Resident Agency of the Phoenix, Arizona, FBI Field Division. I have received training at the Federal Bureau of Investigation Training Academy in Quantico, Virginia as well as training in the investigation of assault, murder, and other violent crimes.

2. In the course of my official duties, I am charged with the investigation of crimes occurring on (among other places) the Navajo Nation Indian Reservation within the Federal District of Arizona. I am an investigative law enforcement officer of the United States, and I am empowered by law to conduct investigations and to make arrests for offenses enumerated in Title 18 of the United States Code.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other law enforcement agents and witnesses. This affidavit is intended to show only that there is sufficient probable cause for the requested complaint and does not set forth all of my knowledge about this matter.

4. As detailed below, there is probable cause to believe that TRE JAMES violated 18 U.S.C. §§ 1153 & 1111 (CIR-First Degree Murder) and 18 U.S.C. §§ 924(c)(1)(A)(iii) & (j) (Discharging a Firearm During and In Relation to a Crime of Violence) when he shot and killed his then girlfriend, J.Y., hereinafter “the victim.” between June 30 and July 5, 2019, in or near Pinon, Arizona, on the Navajo Nation Indian Reservation. TRE JAMES is an Indian and is an enrolled member of the Navajo Tribe.

The events described in this document occurred within the confines of the Navajo Nation Indian Reservation, in the District of Arizona, unless otherwise described in this Affidavit.

5. In summary, and as more specifically described below, the facts of this case show that TRE JAMES was the last person to see the victim alive, on or about the early morning hours of July 1, 2019. Two witnesses, J.N. and J.T.L. left the home of TRE JAMES, having witnessed TRE JAMES and the victim together, with no one else in the home. TRE JAMES and the victim had been arguing about infidelity on the night of June 30, 2019 and early July 1, 2019. Even though TRE JAMES was the boyfriend of the victim, J.Y., he appears to have stopped efforts to contact her as of about 1:00pm on July 1, 2019. On or before 1:13am on July 1, 2019, the victim's phone was either turned off or no longer working and efforts of family and friends to contact her were left unanswered. The victim failed to appear for work on the morning of July 1, 2019 as scheduled and has never been seen again by co-workers. The victim was killed by a gunshot wound to the back of her head. On the night of June 30, 2019 and early morning July 1, 2019, J.N. saw TRE JAMES with a gun. The victim's blood was identified in the bedroom of TRE JAMES. Spent shell casings were found there as well. In the days after July 1, 2019, TRE JAMES spent several days in his aunt's home, where family witnessed TRE JAMES acting in a strange manner. His sister saw him with a handgun, and he was "aggressive, nervous and paranoid."

6. On July 5, 2019, E.D. contacted Chinle police to report that her adult daughter, J.Y., the victim, was missing. E.D. said that she had last heard from the victim on June 29 or 30, 2019. Since then, E.D. had not had in-person or telephonic contact with

the victim. E.D. tried to call the victim, but the calls went straight to voicemail. E.D. tried to contact the victim at her work, a health clinic in Pinon, but was told that the victim had not been to work. E.D. was worried because she had been taking care of two of the victim's children, and it was unusual for the victim not to check in. E.D. knew that the victim had been living with TRE JAMES.

7. Separately, also on July 5, 2019, G.Y. waved down a Chinle police officer near the Pinon Heath Center. G.Y. said that her friend and co-worker, the victim, had been missing since Sunday, June 30, 2019. Another co-worker had received a text message from the victim asking for a ride to work the next day (Monday), but the victim never showed up, and had not been at work all week. G.Y. said that the victim was last with her boyfriend, TRE JAMES. G.Y. had tried to call the victim's telephone number, but it did not ring.

8. TRE JAMES is an enrolled member of the Navajo Nation as evidenced by his certificate of Indian blood showing that he is 4/4 Navajo.

9. On July 5, 2019, the Navajo Nation Department of Criminal Investigations contacted the FBI about the victim's disappearance.

10. On July 8, 2019, investigators responded to the victim's last known residence—a blue house southeast of Pinon, belonging to TRE JAMES' grandmother, May Johns (the blue house). The victim was staying at the blue house with TRE JAMES. TRE JAMES was not home. May said that she had last heard from the victim on June 30, 2019 when the victim had called and asked for a ride to work, but May could not provide one. May provided investigators consent to search the home. During the consent search,

investigators found a spent 9mm casing, a spent .22 casing, a red-colored substance that appeared to be blood on the floor, and a white-colored substance that appeared to be a cleaning agent on the floor.

11. On July 8, 2019, investigators interviewed R.K. who said that he last saw the victim on a Friday or Saturday, sometime between June 28 to 30, around 9:00 or 10:00pm. (*June 28 was a Friday, June 29 was a Saturday, June 30 was a Sunday.*) The victim was wearing her nursing scrubs, and wanted to go home because she was having problems with her boyfriend, TRE JAMES. The victim left with a female, J.T.L.

12. On July 9, 2019, investigators interviewed S.J., TRE JAMES' sister who said that she had last seen the victim on June 30 at 9:00 or 10:00pm. The victim came to S.J.'s aunt's two-story home to pick up some work clothes, and then left. (The victim had been previously staying at this two-story home). The victim was not with TRE JAMES. S.J. later heard that the victim was missing, and heard from a co-worker that TRE JAMES had shot her. S.J. said that, during the week of July 4, 2019, TRE JAMES was at the two-story house all week, and did not leave. He was aggressive, nervous, paranoid, and had a handgun. When asked, he said he did not know where the victim was. Samantha said that TRE JAMES was aggressive with the victim, and she told the victim not to go back to him, but the victim still went back to him. S.J. also said that, on June 30, 2019, she had received messages on Facebook Messenger from the victim, telling her that TRE JAMES shot two rounds off, and chased the victim back into the house.

13. On July 9, 2019, investigators contacted L.A.S. by telephone. L.A.S. is a women with whom TRE JAMES was also involved. L.A.S. told them that she was in

Winslow with her family, and did not have time to provide a statement. The next day, on July 10, 2019, investigators contacted L.A.S. at her home in Pinon. She said that she had lied about her whereabouts the day before, because she thought she was in trouble for drugs. She then proceeded to tell investigators the following:

14. L.A.S. said that she had known the victim for six months. L.A.S. had started to date TRE JAMES two weeks ago, when he said that he was no longer in a relationship with the victim. L.A.S. said that she had last seen TRE JAMES on July 3, although she later said she had seen him as recently as July 5 (*see below*).

15. L.A.S. said that on Thursday, June 27, around 10:30 to 11:00pm, she was at the blue house, drinking with TRE JAMES, when Y.B. and her boyfriend showed up to buy some methamphetamine and alcohol. TRE JAMES showed Y.B. a small, silver, 9mm handgun, with a black grip or handle, and broken front sights, with 5 live rounds of ammunition. He said he had gotten it from his aunt. L.A.S. said that she had last seen the handgun on July 5, when she hid it in a bedroom in his aunt's two-story house, on the second floor, between two mattresses. L.A.S. said she hid the handgun because she is not comfortable around them, and she did not know if it was still there.

16. L.A.S. said that on Friday, June 28, at about 5:00pm, she was at the blue house with TRE JAMES and S.J., when S.J. said that the victim was on her way home. L.A.S. said that she did not want to be at the blue house when the victim got there, so she left, and TRE JAMES followed her. TRE JAMES said that the victim was possibly seeing a guy named "Matt."

17. Investigators asked L.A.S. to provide a timeline of when she had been with

TRE JAMES over the past several days. L.A.S. said that on Saturday, June 29, she was with TRE JAMES from 12:00 to 3:00pm. On Sunday, June 30, TRE JAMES told L.A.S. that he was at his aunt's house. On Monday and Tuesday, July 1 and 2, L.A.S. did not see TRE JAMES, and they hardly texted, which made her upset. On July 3, L.A.S. saw TRE JAMES briefly at someone's house in Pinon. From July 4 around 6:00pm, through the next day (*July 5*), TRE JAMES was with L.A.S. at her house, and she introduced him to her parents. On July 6, TRE JAMES was at his aunt's two-story house.

18. On July 9, 2019, investigators interviewed E.J., TRE JAMES' aunt. E.J. said that she had last seen the victim on June 30, 2019. The victim came to E.J.'s two-story house in a car with someone whom E.J. could not see. The victim would stay at E.J.'s two-story house when TRE JAMES was abusive to her. E.J. was upset because the victim was going back to the blue house. TRE JAMES had stayed with E.J. before he was arrested. (*This occurred on July 11, 2019, see below.*) During that time, he was rude, jumpy, mad, and looking outside of the house all of the time.

19. On July 9, 2019, investigators interviewed EW. J., TRE JAMES' father. EW.J. said that he had last seen the victim around Friday, June 28. She had come to the two-story house to get away from TRE JAMES, but went back with him. EW.J. said that when TRE JAMES drinks, he gets violent. TRE JAMES also always has a gun: a silver pistol, which he keeps inside of his waistband. EW.J. said that TRE JAMES had been staying at the two-story house since the beginning of the month (*July*), and was acting strange: he was paranoid and said to tell people he was not home. EW.J. said that he did not know what happened to the victim, but thinks TRE JAMES was involved. EW.J. said,

“yes, Tre did it,” but did not provide a basis for this statement. TRE JAMES told EW.J. that he had messed up, and that the victim was messing around with other guys.

20. On July 9, 2019, investigators spoke with the victim’s legal husband, F.M. Investigators have confirmed that F.M. was in custody in the Chinle jail at the time of the victim’s disappearance. F.M. said that he spoke to the victim on the phone almost every day, and had last spoken to her on Sunday, June 30, for approximately 15 minutes. They had three children. F.M. knew that the victim was with a guy named “Tre,” lived with him at his house, and that he was cheating on her. F.M. had been trying to call the victim since Monday, but her phone was off and would only ring once, which was unusual.

21. On July 10, 2019, investigators interviewed F.B., one of the victim’s coworkers. F.B. said that, on June 29 and 30, he had been exchanging messages with the victim through Facebook Messenger. The victim told F.B. that she was with TRE JAMES. The victim said that she and TRE JAMES had relationship problems, and the victim had previously (*“last year”*) sent F.B. a picture of herself with a black eye. On June 30, 2019, around midnight, F.B. messaged the victim, “Are you ok? Why are you back with him?” F.B. received a message at approximately 3:00 or 4:00am, saying, “You dumb ass, I’m laughing at your dumb ass now.” F.B. did not respond back, or receive any more messages. The next morning, F.B. messaged the victim, “Are you ok?” He never received a response. F.B. said that he deleted all messages that were sent to and from the victim that evening, not knowing that they were going to become important.

22. On July 11, 2019, investigators interviewed J.N. who said that he had last seen the victim between Sunday, June 30, and Monday, July 1, 2019. J.N. was hanging

out with his girlfriend, J.T.L., at the blue house, with the victim and TRE JAMES. It was just the four of them. The victim was guzzling drinks. She was mad because TRE JAMES was cheating on her. The victim said she was going to leave. TRE JAMES told the victim she needed to go to sleep. Neither J.N. nor J.T.L. wanted to be there, so they left early that morning, on July 1, around 2:00am. TRE JAMES had told J.N. he had “pieces,” and had shown J.N. a 9mm and a shotgun. The 9mm was silver/gray.

23. On July 11, 2019, Chinle police arrested TRE JAMES for public intoxication and criminal nuisance. Police were checking on an abandoned house when a female individual yelled that “Tre” had climbed out of a window and was running up the hill. The officers parked their car, and asked some kids playing outside if they had seen someone running by. One kid said that a guy had jumped into a trash can for no reason. Police checked the trash can, and TRE JAMES was hiding inside. Police got him out of the trash can, observed signs of impairment, and arrested him. Police asked TRE JAMES why he ran, and TRE JAMES responded that he thought he had a warrant for missing court.

Search of The Blue House and Results

24. On July 11, 2019, investigators obtained a warrant to search the blue house. *See* Warrant No. 19-4187MB (Bibles, J.).

25. On July 12, 2019, investigators searched the blue house and found:

- a. floor tile with a red-colored substance that appeared to be blood, in the bedroom believed to be used by the victim and TRE JAMES;
- b. drywall and baseboard with a red-color substance that appeared to be blood, in the bedroom believed to be used by the victim and TRE JAMES;
- c. a queen-sized mattress, stripped of bedding, with stains and what appeared to be partial burning, in the bedroom believed to be used by the victim and TRE JAMES;
- d. pieces of wall with what appeared to be blood, in the hallway;
- e. a red-colored substance that appeared to be blood, on the front porch;
- f. a small pistol in the living room, that is, a Walther Model PPK/S 45 caliber, Serial No. 18E05016;
- g. ammunition and ammunition-related items throughout the home, including a CO2 cartridge for the above pistol, an empty box of 9mm ammunition, a round of 22 caliber ammunition, a round of 45 caliber ammunition, some rifle cartridges, and a shotgun cartridge; and
- h. four cell phones.

26. Investigators sent several items to the FBI lab for forensic testing. Because the victim's remains were unavailable, the FBI used DNA samples from both of her parents to create a known DNA profile for her.

27. On September 7, 2021, the FBI lab issued a report finding that:

- a. there is blood on the floor tile, and "strong evidence" that it is the victim's blood; and
- b. there is blood on the drywall and baseboard, and "strong evidence" that it is the victim's blood.

Search of the victim's and TRE JAMES' Phone Content

28. Investigators learned that the victim used telephone number 505-495-8807,

and TRE JAMES used at least telephone number 928-675-8784. Investigators obtained a search warrant for records and information associated with these telephone numbers. *See* Warrant No. 19-4215MB (Bibles, J.).

29. After reviewing the search warrant return, investigators learned that telephone number 928-675-8784 was technically subscribed to by S.J., but appeared to have been used by multiple individuals, including TRE JAMES. For example, on June 3, 2019, the victim received a text message from telephone number 928-675-8784 stating, “Hey sweet stuff, it’s me.” The last outgoing text message from the victim appears to have been a text message on June 30, 2019, at 10:09pm, to telephone number 928-266-3977, (believed to be that of J.T.L.) providing what appears to be the combination to a locked gate. (TRE JAMES home is secured with a locked gate.)

30. Based on a review of the victim’s phone content, investigators also learned that TRE JAMES likely used another telephone number, 928-613-0178, in and around June 2019. On May 16, 2019, the victim sent a text message to 928-613-0178 stating, “I love you Tre James.” TRE JAMES did not state in text messages that it was him using 928-613-0178, but based on context, it appears that he was using this number. On June 18, 2019, 928-613-0178 texted the victim, “I love you,” and she responded, “I love & miss lots more.” On June 25, 2019, the victim texted 928-613-0178, “If you want to be with [L.A.S.] Tre fawkn tell me!!!!”

31. The last outgoing text message from the victim to 928-613-0178 was on June 28, 2019, at 7:35pm. The victim texted, “Ask your grandma to drop off my clothes & charger.”

32. Call detail records appear to show that the victim received multiple messages and/or calls from 928-613-0178, starting on July 1, 2019 at 1:13am, but ending later that day. Most of the text messages read, “Wjr u at.” Based on experience and logic, it appears the sender was attempting to ask “where are you at?” There were no more messages and/or calls from 928-613-0178 after July 1, 2019. Multiple other numbers then appear to ask the victim where she is beginning on July 2, 2019.

Discovery of the victim’s Remains

33. On November 23, 2021, incomplete human remains, including a skull, were found on the Hopi Indian Reservation. Investigators also recovered a Pendleton-style blanket, blue tarp with rope, and other materials that have been sent for forensic testing.

34. On March 3, 2022, the Coconino County Medical Examiner’s Office (OME) issued an autopsy report. The OME identified the decedent as the victim, based on dental records. The OME determined that her cause of death was a gunshot wound to the back of the head—specifically, a projectile entered the inferior right side of her occipital bone, and exited the right side of her mandible or jaw, with a trajectory from back to front and slightly down. No projectile was recovered. The OME ruled her death a homicide.

Follow Up Interviews

35. On January 26, 2022, investigators conducted a non-custodial interview of TRE JAMES, in the living room of his grandmother’s home in Whippoorwill, Arizona. TRE JAMES was not restrained, and investigators told him that they were going to leave without him at the end of the interview. TRE JAMES said that the last time he saw the victim, she had come over to the blue house with her brother, “Smurf,” and Smurf’s

girlfriend. They drank. The victim was tipsy, left with Smurf and Smurf's girlfriend, and never came back. TRE JAMES denied ever having been rough with the victim. He said they did not fight and always had a good time. He said that he had never owned any guns and does not know how guns got into the blue house. He said that when he was arrested (*July 11, 2019*), he fled because he knew he had a warrant, but the police caught him anyway. He said that he did not know if the victim was dead or alive, and then said he did not want to talk about it anymore.

36. On February 24, 2022, investigators conducted a follow up interview with J.N. J.N.'s nickname is "Smurf." Early in the interview, he said that he had been reluctant to speak with law enforcement more about the victim's disappearance because he was a methamphetamine user around the time she disappeared, and he was afraid that law enforcement would judge him and not take him seriously.

37. J.N. said that on the night of June 30, 2019, his girlfriend, J.T.L, and the victim, picked him up around 8:30pm, and drove him to the blue house. On the way, the victim told him that she and her mother had gotten into it over her kids, so the victim had gone to live with TRE JAMES at the blue house. A couple of weeks before, TRE JAMES' sister, S.J., had posted on Facebook that she had caught TRE JAMES cheating on the victim with L.A.S. The victim had gone to stay at the two-story house, and had not been back to the blue house in two weeks. They were, however, headed to the blue house. The victim said it would be her first time back in two weeks.

38. When they arrived at the blue house, TRE JAMES stayed in the bedroom, while J.N., J.T.L. and the victim drank and hung out in the living room. The victim said

that TRE JAMES had received a gun for his birthday, and took J.N. into the bedroom. TRE JAMES showed J.N. the gun, which appeared to be a black .45 or 9mm. As the victim got tipsy, she told J.N. that TRE JAMES had pointed the gun at her, and “he actually tried to shoot me with that.” The victim asked J.N. to tell TRE JAMES not to shoot at her like that. J.N. told TRE JAMES not to mistreat the victim like that, and TRE JAMES tried to play it off: he said it was a misunderstanding, he was just playing around, and he had accidentally pulled the trigger. TRE JAMES stayed in the bedroom, and the victim, J.N., and J.T.L. went back into the living room. The victim continued “slamming it,” getting tipsier. J.N. noticed the time, which was after midnight, and told the victim that she should go to sleep because she had to work in the morning. The victim said that she had been missing work. She was goofing around, and she did not want them to leave. TRE JAMES came out, wrapped his arms around her, and said let’s go back inside. J.N. and J.T.L. left around 1:00 to 2:00am.

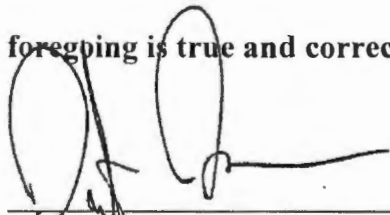
39. On March 10, 2022, investigators interviewed J.T.L. who said the last time she saw the victim was on June 30, 2019, late at night or early the next morning. The victim was upset because TRE JAMES had been messing around with another woman. Later, J.T.L. and the victim picked up J.N. and drove to the victim’s house. TRE JAMES was there, and the four of them were the only people in the house. J.T.L. and J.N. mostly stayed in the living room, TRE JAMES stayed in his bedroom, and the victim went back and forth between the two. It seemed like the victim and TRE JAMES were having an argument. They hung out for a couple of hours, talking and drinking. At some point, J.T.L. and J.N. went to TRE JAMES’ bedroom, and sat on the bed, which was covered

with sheets or blankets. J.T.L. saw a bunch of weapons, including knives, swords, and what she thought was a homemade shotgun. J.T.L. and J.N. returned to the living room. They thought they should leave because the victim and TRE JAMES appeared to be fighting. They left the victim at her home, and drove back to J.N.'s house. The next day or shortly thereafter, J.T.L. was leaving for California, and stopped by the clinic in Pinon to say goodbye to the victim, but the victim was not at work.

40. Based on the foregoing, I believe that there is probable cause to believe that TRE JAMES committed Count 1: First Degree Murder, in violation of 18 U.S.C. §§ 1153 & 1111 and Count 2: Discharging a Firearm During and In Relation to a Crime of Violence, in violation of 18 U.S.C. §§ 924(c)(1)(A)(iii) & (j).

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the

foregoing is true and correct.



Dustin Blazer Drace
Special Agent, FBI

July 28, 2022

Date

X SWORN BY TELEPHONE

SWORN AND SUBSCRIBED to before me this 28th day of July, 2022.

Camille D. Bibles

Digitally signed by Camille D. Bibles
Date: 2022.07.28 20:18:32 -07'00'

Honorable Camille D. Bibles
United States Magistrate Judge

Date